

if a dispute arise in regard to the propriety of continuing him in it, or appointing some one in his stead, it must be conducted by the parties at their own expense.

If the official conduct of the committee be assailed, he may defend it, and if he does so successfully, the assailant will be made to pay costs, but fees to counsel, even in that case, should not be thrown upon the estate.

The committee will be allowed all proper and reasonable fees paid to counsel for advice and assistance in the discharge of his duty, and in aiding him to preserve and defend the estate, but beyond this he cannot go; if he chooses to carry on a litigation for his office, he must pay the costs himself.

[The former opinions of the Chancellor in this case are reported in 3 *Md. Ch. Decisions*, 278. The following opinion was delivered the 13th of February, 1854, upon the hearing of exceptions to the Auditor's report and accounts. The nature and purport of these exceptions sufficiently appear in the opinion.]

THE CHANCELLOR :

This case comes before the court upon exceptions to the report of the Auditor, and has been submitted and argued on the part of Benjamin H. Ellicott, the former committee and receiver.

In the Auditor's account, D., filed with his report of the 5th of November, 1853, the receiver is charged with the aggregate amount of sundry vouchers for which he had received credit in the account A., previously reported, amounting to \$117 98, and this charge is the subject of the first exception on his part.

The vouchers Nos. 121, 122, 123, 124 and 125, which in part make up the sum credited in account A., are not, in my judgment, proper to be allowed. They are for stationery, which do not come within the range of disbursements which a committee or receiver is permitted to make at the expense of the estate. They are neither legal costs or counsel fees, and so far as I am informed, have never been allowed. The exception, therefore, with reference to these items must be overruled.

But, in my opinion, the vouchers Nos. 126 and 127, are proper to be allowed. Mr. Ellicott was appointed committee of the estate of the lunatic on the 15th of September, 1851, and